

House Bill 1365

By: Representatives Lane of the 167th, Smith of the 70th, and Hill of the 180th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 12-1-2 of the Official Code of Georgia Annotated, relating to
2 references to administrative law judge or hearing officer, references to final decision of
3 Board of Natural Resources, and filing request for administrative review, so as to provide for
4 deference by administrative law judges on technical issues within the specialized knowledge
5 of the agency decision-maker when reviewing permits; to provide an effective date; to
6 provide for applicability; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 12-1-2 of the Official Code of Georgia Annotated, relating to references to an
10 administrative law judge or hearing officer, references to final decision of Board of Natural
11 Resources, and filing request for administrative review, is amended by adding a new
12 subsection (d) to read as follows:

13 "(d) In any administrative review of the grant or denial of any permit, variance, or other
14 approval issued by the department, the director of the Environmental Protection Division,
15 the Shore Protection Committee, or the Coastal Marshlands Protection Committee, an
16 administrative law judge shall afford deference to the action by such person or entity on
17 technical issues within the specialized knowledge of such person or entity, so long as the
18 grant or denial of such permit, variance, or other approval is not contrary to law and not
19 unreasonable."

20 **SECTION 2.**

21 This Act shall become effective upon its approval by the Governor or upon its becoming law
22 without such approval, and this Act shall apply to all administrative decisions on or after
23 such effective date.

24 **SECTION 3.**

25 All laws and parts of laws in conflict with this Act are repealed.